

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the claims to clarify the claimed transform document and to correct typographical errors. No new matter has been added as a result of these amendments as they are supported in paragraphs 30, 35 and 36.

### **Rejections**

#### ***Rejections under 35 U.S.C. §101***

Claims 10-18 stand rejected as being directed toward non-statutory subject matter. Claim 15 was previously cancelled. Applicant has amended claims 10-14 and 16-18, and respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 101.

#### ***Rejections under 35 U.S.C. § 112, second paragraph***

##### **Claims 1, 2, 8 and 10-20**

Claims 1, 2, 8 and 10-20 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 has been previously cancelled.

The term “MPEG-7” has been deleted from claims 1, 2, 8, 10, 11, 17, 19, 20 and 25 and therefore the rejection is moot.

Applicant respectfully reminds the Examiner the definiteness of claim language must be analyzed in light of the teachings of the prior art and the specification as it would be interpreted by one of skill in the art [MPEP 2173.02]. With regard to the terms “computer-readable medium” and “executable instructions” in claims 10-14 and 16-18, Applicant respectfully submits that one of ordinary skill in the data processing arts would understand from the specification and drawings that the claimed invention operates in a client-server environment [Specification: paragraph 27]. Such clients and servers are readily understood to be computers that process executable instructions from computer-readable storage media, such as memory, hard disk, CD-ROM or DVDs. Therefore, Applicant respectfully submits that the meaning of terms “computer-readable [storage]

medium” and “executable instructions” would be apparent to one of ordinary skill in the art in light of the specification and the drawings.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1, 2, 8 and 10-20 under § 112, second paragraph.

***Rejections under 35 U.S.C. § 103***

**Claims 1-5, 7-14, and 16-28**

Claims 1-5, 7-14, and 16-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergman, et al., U.S. Patent 6,564,263 (previously cited) in view of Vetro, et al., U.S. Patent 6,490,320. Vetro only qualifies as prior art under 35 U.S.C. § 102(e) because it issued after Applicant’s filing date. Applicant does not admit that Vetro is prior art and reserves the right to challenge it at a later date. [MPEP 2141.01(I)]

Bergman discloses a structure for describing multimedia content and a storage system for storing the description structure.

Vetro discloses transcoding a compressed video according to constraints imposed by a device.

The Examiner is relying on Vetro as disclosing translating a content description into a second application description language (ADL) into a second ADL. However, this limitation only appears in claims 8, 9, 17, 18, 25 and 26. Thus, the Examiner is rejecting claims 1-5, 7, 10-14, 16, 19-24, 27 and 28 over Bergman alone. Applicant argues accordingly.

***Claims 1-5, 7, 10-14, 16, 19-24, 27 and 28***

In amended independent claims 1, 10 and 19, Applicant claims a transform document that is generated from a description definition language (DDL) by a computer.

The Examiner asserts that Bergman discloses generating a transform document by a server at col. 14, lines 61-68:

The domain of MPEG-7 descriptors is very large. An investigation of early proposals for MPEG-7 show that a large number of features and metadata have already been suggested, and this list is only growing to increase. Most of these are specific to particular media objects or application domain. XML includes an excellent mechanism, the Document Type Definition or DTDs which make it possible to manage the plethora of meta-data and feature descriptors by DTDs which support the subset for a particular media or application. The DTDs also makes it easy for a particular community (say Satellite Imagery vs. News videos)

to share and conform to a specific set of MPEG7 descriptors by subscribing to a common set of DTDs. [Bergman: col. 14, line 58 through col. 15, line 3]

Applicant assumes the Examiner is equating Bergman's document type definition to the claimed transform document. Applicant respectfully submits that Bergman does not teach generating a document type definition by a computer. Moreover, Applicant respectfully submits that this section of Bergman suggests that people, i.e., a community of users of a particular type of media, are responsible for creating a document type definition. Thus, Bergman's document type definition is not equivalent to Applicant's claimed transform document.

The Examiner is also equating Applicant's claimed transform document to Bergman's baseline association 1509 (Figure 15). However, Bergman does not teach or suggest that the baseline association 1509 is generated by a computer. Thus, Bergman's baseline association is also not equivalent to the claimed transformation document.

Furthermore, claims 1 and 10 claim that a client translates a binary communication into a content description in an application descriptive language. In contrast, Bergman discloses that the content is adapted before being download by a client device:

Based on the description schemes of the present invention discussed herein, multimedia content can be either analyzed or synthesized according to these schemes. After the analysis/synthesis step, which generally comprises an assessment of the target/intended audience and associated target multimedia devices, the source multimedia content can then be stored using the MMCDF framework of the present invention. This stored content can subsequently be used to provide multimedia content to various devices with different platforms (as in FIG. 2). [Bergman: col. 19, lines 15-24]

Because Bergman teaches that the description schemes are used to adapt the content to the requirements of a device before the content is downloaded to a device, the receiving device does not need to create a content description for the content. Indeed, by adapting the content before downloading it to the device, Bergman actually teaches away from Applicant's invention as claimed.

Therefore, Bergman alone cannot render obvious Applicant's invention as claimed in claims 1-5, 7, 10-14, 16, 19-24, 27 and 28.

***Claims 8, 9, 17, 18, 25 and 26***

Claims 8, 9, 17, 18, 25 and 26 depend from independent claims 1, 10 and 19. However, Vetro does not teach or suggest the elements in the independent claims that Bergman fails to disclose. Therefore, the combination of Bergman and Vetro cannot render obvious Applicant's invention as claimed in claims 8, 9, 17, 18, 25 and 26.

Because neither Bergman nor Vetro, nor the combination, disclose each and every limitation of Applicant's invention as claimed in claims 1-5, 7-14 and 16-28, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the cited references.

**SUMMARY**

Claims 1-5, 7-14 and 16-28 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

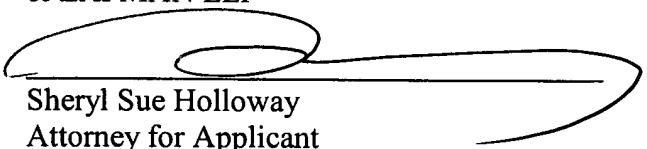
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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